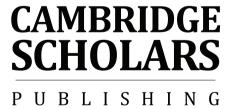# Fleshly Things and Spiritual Matters

Fleshly Things and Spiritual Matters: Studies on the Medieval Body in Honour of Margaret Bridges

Edited by

Nicole Nyffenegger and Katrin Rupp

**CAMBRIDGE
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INTRODUCTION:
(RE-)WRITING THE MEDIEVAL BODY

NICOLE NYFFENEGGER AND KATRIN RUPP

There is no way around the body. We used our bodies, or at least parts of them, when we wrote this introduction. You use your body as you read it. The only place where we can try to avoid the body may be language (by simply eclipsing the word "body"), but of course it is with and through the body that language is generated. Any device that may be able to (re)produce language outside or without the body at some point involved some body who made it. In short, our earthly existence is barely conceivable without the body.

These ideas primarily apply to the *lived body*, the body "that eats, that works, that dies, that is afraid," as opposed to the body "that dissolves into language,"[1] especially in modern, but also in medieval discourses about the body. Singling out the (medieval) body that *dies*, Caroline Walker Bynum proposes to bring back some of the body's "stuffness" and "immediacy."[2] For her, this *lived body* resists disappearing into language since the re-collection of its former fleshly shell at the resurrection requires that the physical material with which it is composed remain immediate in the sense that "it should be kept close to its resurrection condition,"[3] as prominently exemplified by the bodies of saints that do not corrupt. Insofar as medieval issues of the body's "stuffness" are also

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[1] Caroline Walker Bynum, "Why All the Fuss about the Body? A Medievalist's Perspective," *Critical Inquiry* 22 (1995): 1. In a fashion reminiscent of the medieval *incipit*, Walker Bynum at the beginning of her essay refers to a friend of hers at whose request she attempts to retrieve this *lived body* from its dissolution into language. Thus, the above quoted excerpts are, strictly speaking, statements her friend made (they are in inverted commas in the essay). Similarly, the term *lived body* is coined by her friend who complains that "the lived body seems to disappear" (Walker Bynum, "Why all the Fuss about the Body?" 4).

[2] Ibid. 33. Walker Bynum puts "stuffness" between inverted commas.

[3] Ibid. 23.

modern issues, the body that dies can serve as a model to broaden contemporary examinations of the body beyond linguistic constructions.[4]

In spite of Walker Bynum's appeal to preserve the *lived body* from its dissolution into language, one should keep in mind that most medieval bodies, whether dying or involved in whatever other activity, only exist in the present by virtue of having been written about by a medieval writer. Such written representations (as opposed to those in arts) are in turn mediated by means of language through medievalists. Thus, the *lived body* is also always discursively constructed. Discursive constructions of the body are, moreover, also cultural constructions because, as Sarah Kay and Miri Rubin remind us, bodies may "be spoken of as "natural" entities (biological, anatomical, or material), but only because the discourses of biology, anatomy and materialism exist within our culture."[5]

It could be argued that the contemporary *lived body* is more immediate and has more "stuffness" to it than the medieval one, because, as opposed to the latter which is absent because long since dead and decayed, it can be touched and felt in the present. However, the crucial question that remains is how to define and delimit the *lived body*.[6] From embryo to corpse, the *lived body* is subject to change, since its activities (eating, working, dying etc.) and feelings (being afraid, happy, tired etc.) constantly redefine it. Eating, for example, suggests that the *lived body* is not spatially limited because it opens up to ingest food and to expel what is left of that food once it has been absorbed and processed by the body's myriads of cells. Sweat, resulting from physical strain, passes through the skin's pores from the "inside" of the body to its "outside," rendering its status in relation to the body (part of it, outside of it?) uncertain. Furthermore, implants or transplants turn the *lived body* into a hybrid of living and dead and the dogs' heads or giant ears of the creatures that populate the medieval *mappae mundi* present bodies as a fusion of human and non-human. The *lived body* can even change its shape completely so that there is nothing human to it any more, like the werewolf in both medieval romance and

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[4] Walker Bynum, "Why all the Fuss about the Body?" 30. She compares Origen's and Judith Butler's approaches to the body, concluding that "[b]oth Butler and Origen speak of a labile, active, unfolding body that somehow becomes more what it is by behaving as it does; both have trouble explaining how what we think of as 'physical stuff' fits in."

[5] Sarah Kay and Miri Rubin, "Introduction," in *Framing Medieval Bodies*, ed. Sarah Kay and Miri Rubin (Manchester: Manchester University Press, 1994), 1.

[6] Bettina Bildhauer, *Medieval Blood* (Cardiff: University of Wales Press, 2006) in her introduction also discusses some of the issues that follow in more depth below.

modern fantasy, or Christ's body (in itself a hybrid of human and divine) that becomes the bread of the Eucharist.

These few examples may suffice to underline that it is not easy to delimit the *lived body*. Besides its problematic spatial demarcation it is also difficult to delimit it temporally: When does the body's existence begin, when does it end? While modern biological discourse locates the body's beginning at the conception, the fusion of an egg and a sperm, quite a different view is apparent in medieval medical treatises. They would, for example, adopt the Galenic stance that both the male and female seed are instrumental in creating the fetus or the Aristotelian one that only the male seed has an active role in shaping a new body. At the other end of the *lived body*'s existence, death is not such a clear deliminator as it might seem. Even beyond death the body that was once alive continues to transform and therefore in a way to live. Once the flesh of the dead body has decomposed, the bones will continue to dissolve and even if they ultimately turn into dust, there may be something of the body that survives this process of disintegration. In hagiography the saint's body not only remains unaffected by decay, but is often split into many parts which all continue to live a life of their own as relics. Furthermore, according to the Christian belief the dead body is resurrected, which implies that it regains its fleshly shell and is re-imbued with life. The belief in the reanimation of the body at the moment of its resurrection also raises questions about the body-soul dichotomy that remains problematic in and beyond religious discourses.

The *lived body*'s potential for being perpetually de- and reconstructed in and through different discourses thus eludes any final definition. Ultimately, it is a kind of *perpetuum mobile* in the literal sense of the word, it changes (and is changed) without ending.

Reflecting its elusive nature, scholarly studies conducted on the medieval body are wide-ranging and numerous. Given the copiousness of these discussions, the following survey of literature on the medieval body can only be an eclectic selection.[7] Quite a few of these studies deal with issues of sex and gender. In *Feminist Approaches to the Body in Medieval Literature*, Linda Lomperis and Sarah Stanbury present a collection of essays that investigate how social conceptions of the gendered (female)

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[7] Owing to limited space and in order to stick with the medieval body, the following survey of literature excludes studies on bodies other than medieval as well as histories of the body. For a survey of selected approaches stretching beyond the medieval body see Walker Bynum, "Why all the Fuss about the Body?" For a history of the human body see Michel Feher, ed. *Fragments for a History of the Human Body*, 3 vols. (New York: Zone Books, 1989).

body as represented in literary texts can be linked with issues of political power.[8] The female bodies examined here (wounded, adulterous, virginal, maternal) are sites of resistance as they unsettle patriarchal ideologies. Similarly, Walker Bynum in *Fragmentation and Redemption* studies how medieval women resist cultural constructions of "female" and "heretic" versus "male" and "saint" by using their bodies to undermine such binaries.[9] Some women would, for example, deliberately play with the male-female and strong-weak dichotomies to define their own *imitatio Christi*. As these two essay collections show, the female body is empowered as it resists the dominant masculine ideologies precisely by foregrounding the openness and fluidity that define it as week and inferior in the discourse of those ideologies.

Such openness (and perhaps fluidity) also characterizes the medieval *male* body insofar as it, too, is constructed by different discourses. It is therefore constantly in the making as several scholars show in Jeffrey Cohen and Bonnie Wheeler's essay collection entitled *Becoming Male in the Middle Ages*. As Michael Uebel stresses in his contribution:

> [t]he medieval [male and female] body is not a passive entity shaped by a dominant seat of mind or reason but an ensemble of generative, even mechanic, components creating and re-creating a particular social existence.[10]

Consequently, Uebel argues, notions of identity and subjectivity tied to the body are equally fluid and flexible.

Since it is figured as father and mother, male and female, divine and human, the body *par excellence* that serves as a model for both male and female creations and re-creations of physicality and identity is that of Christ. The role of Jesus as mother for Cistercian monks in the twelfth and thirteenth centuries is examined by Walker Bynum in her work *Jesus as Mother*.[11] In her analysis of the violence inflicted on Christ's body in the "Corpus Christi" pageants, Claire Sponsler elaborates on the notion of Christ as mother by discussing a general feminisation of his body, especially in connection with the blood of the passion:

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[8] Linda Lomperis and Sarah Stanbury, eds., *Feminist Approaches to the Body in Medieval Literature* (Philadelphia: University of Pennsylvania Press, 1993).

[9] Caroline Walker Bynum, *Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion* (New York: Zone Books, 1992).

[10] Michael Uebel, "On Becoming Male," in *Becoming Male in the Middle Ages*, ed. Jeffrey Cohen and Bonnie Wheeler (New York: Garland, 1997), 371.

[11] Caroline Walker Bynum, *Jesus as Mother. Studies in the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1982).

> Particularly when gender difference is factored in, blood, as in menstrual blood, becomes a more ambivalent cultural sign, associated less with purity than with degradation, another of the "lower" bodily functions described by Bakhtin as markers of the grotesque.[12]

The grotesque is united with classicism in Christ's body as Sarah Beckwith notes:

> Christ's body is both exclusive—in Bakhtin's terms a classical body—closed, hermetic, monumental, static, elevated, awesome, homogeneous, and simultaneously inclusive, warm, material, welcoming, heterogeneous, the very existential stuff of birth and death, the very stuff too of mortality and bodily change, open to the world through its welcoming wounds.[13]

Such a body naturally becomes the site of multiple interests that may also reach beyond the personal. Indeed, Christ's body serves also as a metaphor for the body politic, which ideally functions like the classical body, i.e. hierarchically structured and always under control. However, insofar as Christ's body is also grotesque, the political body can equally be associated with fluidity and openness and is, therefore, potentially subversive.[14]

   While the studies discussed above examine the body as a matrix on which cultural notions of the sexual and political are inscribed, the most recent critical approaches single out specific aspects of the body's materiality (or, in Walker Bynum's words, "stuffness") for examination. Thus, Barbara Bildhauer's *Medieval Blood* is actually a book about the making of (medieval) bodies through blood.[15] Drawing on the above mentioned opposing medieval views of the body as ideally contained and impermeable on the one hand and as grotesquely open and fluid on the other, Bildhauer maintains that a similar dichotomy characterizes the role of blood: blood as either contained within the body or as oozing out of it. According to Bildhauer, the medieval body is therefore essentially defined through blood. For Suzannah Biernoff, on the other hand, it is important

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[12] Claire Sponsler, *Drama and Resistance: Bodies, Goods, and Theatricality in Late Medieval England* (Minneapolis: University of Minnesota Press, 1997), 152.

[13] Sarah Beckwith, *Christ's Body: Identity, Culture and Society in Late Medieval Writings* (London: Routledge, 1993), 44.

[14] For a brief synopsis of the history of Christ's body as metaphor see, for example, Robert Yeager, "The Body Politic and the Politics of Bodies in the Poetry of John Gower," in *The Body and the Soul in Medieval Literature*, ed. Piero Boitani and Anna Torti (Cambridge: Brewer, 1999), 145-65.

[15] Bildhauer, *Medieval Blood*.

that we distinguish between body and flesh. In *Sight and Embodiment in the Middle Ages* she points out that although the distinction between body and flesh is by no means always clear, "body" is essentially noble by virtue of being God's creation and thus related to the soul, while "flesh" is sin materialised in the body and therefore corrupt.[16] Finally, in *Le Style des gestes: Corporéité et kinésie dans le récit littéraire*, Guillemette Bolens proposes a new approach to understanding communication by focusing on the body's movements, postures, gestures and facial expressions.[17]

As this brief survey of critical literature shows, there is not one medieval body, but a plethora of medieval bodies. Bodies, medieval and modern, offer a vast field of research and will continue to keep scholars busy. The present essay collection brings itself into line with the scholarly work done so far and aims at bringing together fresh insights into the multiplicity of medieval bodies and the multiple (and new) approaches that can be taken in the discussion. Insofar as the contributors are a *body* of scholars, these approaches are naturally varied. As such, the present collection can be understood as a continuation of *The Body in Late Medieval and Early Modern Culture*, as it, too, "pushes forward postmodern notions of the body as a site for competing discourses."[18] The variety of discourses and topics adopted by the individual contributors to this volume, from gestures to the gendered gaze, from the body's spatial and geographical positioning to the (dis)integrity of the body, to, finally, the connection between linguistic uses of 'body' and physical bodies, also wonderfully reflects the wide-ranging scholarly interests of Margaret Bridges, to whom we dedicate this volume in friendship and gratitude.

In his article, Henry Ansgar Kelly investigates the "Body as Stand-In for the Self." Firstly, he discusses the Latin term "corpus" (most prominent in the phrase "habeas corpus" by which we refer to the right against illegal imprisonment) in legal writs. He comes to the conclusion that the body, in this case, is a mere "passive substitute for the self" which takes no role in any kind of activity. Kelly then turns to the term "body" as a personal substitute for "one" ("every body," "no body") in the medieval and renaissance use of which he detects the physical body as still being very

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[16] Suzannah Biernoff, *Sight and Embodiment in the Middle Ages: Ocular Desires* (Houndmills: Palgrave Macmillan, 2002).

[17] Guillemette Bolens, *Le Style des gestes: Corporéité et kinésie dans le récit littéraire* (Lausanne: Les Éditions BHMS, 2008).

[18] Darryll Grantley and Nina Taunton, "Introduction," in *The Body in Late Medieval and Early Modern Culture*, ed. Darryll Grantley and Nina Taunton (Aldershot: Ashgate, 2000), 2.

much in view, quite in contrast to the modern use of these terms. Finally, he examines the body as an active subject in different, more or less graphic, versions of the song on Jenny "Coming Thro' the Rye." In this case, he argues, "body" serves as a word for "person" and especially "oneself."

In a different although not unrelated way, Katharina Berger-Meister focuses on the physical presence of a writer within his own work in the various Anglo-Norman and English versions of the *Horn* and the *Havelok* material as well as additional related works. She specifically explores the complex interrelations between the different manifestations of a work (oral performance, public prelection, private reading) and the ways in which they relate to the performer's and other bodies inscribed in the text. She argues that the different texts' means of inscribing the performer's body "reveal a varying degree of awareness of the growing gap between creator and audience" within the context of gradually increasing literacy. Berger-Meister concludes that, as much as the explicit physical presence of the performer in the text, a thorough reading of the bodies shaped in mental visualisation can "yield an increasingly clear picture of the different personae of the performer and/or creator."

Focusing on performance and the performativity of gender, Guillemette Bolens' article examines how "natural" body reactions such as sneezing and crying contribute to rather than unmask the artificial performance of Kit the tapster in *The Prologue to the Tale of Beryn* or *Canterbury Interlude*. Bolens investigates the narration of kinesic and paralinguistic communication as indicators of Kit's inauthentic performance of her pre-set gender role and claims, against Robert Sturges' interpretation, that Kit's sneeze pertains as much to her performance as do her more obviously artificial gestures. She goes on to analyse a second seduction scene in *Beryn* which is remarkable for its emphasis on paralinguistic and kinesic signals in that both would-be lovers (Kit and the Pardoner) continue to perform—with fluttering eyelids, gazing, sighing—their self-assigned gender roles.

Expanding on Bakhtin's concept of the grotesque body, Angelina Keller examines how medieval medical treatises assign to bodies the capacity of speaking from places from which they are not meant to speak, thus becoming *grotesquely articulate*. Applying this concept of the *grotesquely articulate* body to Chaucer's "Second Nun's Tale" and "Prioress's Tale," she explores in detail the medical imagery which parallels Cecilia's (and other women's) female reproductive organs with the vocal tract. She then elaborates on the manifold connections between language and excrements in connection with the little clergeon's singing in

the privy after his throat is cut. Ultimately, she argues that the cut-off head's or the slit-open throat's unnatural quality of speech transgresses the boundaries of closure "desired by the medieval canonical aesthetics of the proper 'corpus.'"

Paul Taylor, in his contribution "Wounds, Wit and Words," closes the gap suggested by Walker Bynum between the "stuffness" of the body (the wounded and dying body) and its "dissolution into language." His survey of the interrelations between dying bodies, dying words and everlasting fame of the heroes of Icelandic and Anglo-Saxon literature shows that the non-Christian Germanic hero "guards his physical body as a vital transient mortal force," quite in contrast to the Christian hero, who considers death a liberation of his soul from its bodily prison. Accordingly, the Nordic hero's body is enabled to speak posthumously from the grave or, as another saga trope has it, after being beheaded (which is of course also a trope of Christian hagiography).

Death and the dying body are also the focus of Lotta Sigurdsson's essay "Death Becomes Her," in which she studies symbolic and actual death as represented in the *Ancrene Wisse* and in the related texts of the *Katherine Group* as a gendered feature. She particularly focuses on the function of the imagery of enclosure of the anchoresses' body (wombs, tombs and prisons) and the ways in which anchoritic writing commends physical suffering (whether god-sent or self-inflicted) as the specifically female way to redemption. She finally turns to the question of whether the physical suffering and the accompanying reading fulfilled their purpose of helping the anchoress reach the desired state of bride of Christ.

Fabienne L. Michelet discusses the issue of ever-changing bodies (in imitation of Christ's body) and its importance to the topic of "Eating Bodies in the Old English *Andreas*." Reading *Andreas* as a poem about bodies (torn to pieces, eaten, drowned) and food (for the cannibals of Mermedonia), she claims that identities are undone and basic distinctions between interiority and exteriority are constantly made to collapse. This, she argues, is true for bodies eating and being eaten, for the imaginary geography (the island which itself seems to ingest outsiders in several ways even before they are eaten by the cannibals) and for the social body which Andrew penetrates. In the second part of her article, she goes on to explore the motives of food and bodies from a wider perspective and comes to the conclusion that eating is essential to the creation of a collective body.

Richard Allen Shoaf in his article explores not so much insides and outsides as two sides, created by an (imaginary) wall which he identifies as being a precondition to communication for otherwise too-close lovers in

Ovid's and Gower's versions of *Pyramus and Thisbe* and Chaucer's *Troilus and Criseyde*. He argues that "the text itself *is* historical," by investigating walls, literal (present and absent), metaphorical, textual (Henryson building a wall of the acrostic F I C T I O) and linguistic walls (he points to a possible reading of Dante's line "ad una morte" as "ad un amore te" by "building a wall"). He also thematises Chaucer's resistance to closure (which he identifies as walls) by pointing to Chaucer's use of the P.S. and goes on to claim that Chaucer was well aware of gendered restraints (the enclosed female body) and authoritative patriarchal "wall building," i.e. control.

Starting out with the most recent critical problems in gender studies, Laurie Finke in her contribution "Disembodying Men" proposes to explore the male body under the male gaze. The probing gaze of Chaucer's predominantly male audience into Nicholas's "toute" in the "Miller's Tale," the gaze of the presumably male viewers of Tintoretto's *Martyrdom of St. Lawrence* into Lawrence's about-to-be penetrated body, the gaze of the onlookers at Hugh Despenser's execution as depicted in a manuscript of Froissard's chronicle, and the male gaze on the male image of the Green Knight, Finke argues, all serve to forge a homosocial relation among male readers/viewers. Such a reading goes against ideologies that "attribute body to women and disembody the male" in that it insists that the gaze is more than just semiotic and in fact eminates from a (male or female) body itself. Finke hence argues that the visual apparatus of the "gaze" needs to be refocused and extended (to also include, for example a "queer gaze") in order to begin to unravel the mechanisms that constitute male identity in the Middle Ages as in other historical epochs.

Leslie Dunton-Downer's contribution, finally, spans the wide range from the gaze of modern opera lovers, under which the American soprano Deborah Voigt transformed from an obese diva into a shapely Isolde for the 2008 New York staging of Richard Wagner's *Tristan and Isolde*, to the everlasting life gained through the audience's reading by the same (and yet hugely different) Isolde as presented by Gottfried von Strassburg. She argues that the processes by which Gottfried von Strassburg's medieval reader brings the bodies of the dead lovers Tristan and Isolde back to life by (re)reading their story are not so unlike those by which the performer's embodiment for an attending audience brings opera characters to life.

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BODY AS STAND-IN FOR THE SELF: FROM "HABEAS CORPUS" TO SOME BODY AND "NEED A BODY CRY"

HENRY ANSGAR KELLY

"Body" is a very handy word in English. It seems to have come from outside the Teutonic orbit, since it shows no trace in other Germanic languages except Old High German (we might also add Old Icelandic), and then in a form that makes it likely that both English and German took it from some foreign source. It found little use in German and died out, being replaced, ironically, by a word meaning "life," "Leib," and another word, "Körper," which, like our word "corpse," comes from the Latin "corpus." Meanwhile, in English, "body" flourished, and, as James Murray says in the headnote of the entry in the *Oxford English Dictionary*, "*body* remains as a great and important word." Murray's discussion of the etymology and history of the word came in the third fascicle, which was ready for publication in March 1887, and it stayed unchanged in the second edition of 1989, being only recently replaced in the current online edition.[1]

Most meanings of body refer to objects of action. A common contrast was of the body with the soul, often with the body being considered a hindrance to the soul, a "dead weight," so to speak; and even though the body in this context is sometimes given a personality of its own, as in the medieval dialogues between Body and Soul*,* it is a foregone conclusion that such personality comes by way of personification, meaning "making a person out of what is not a person."

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[1] *Oxford English Dictionary*, ed. James Murray et al., 12 vols. (Oxford: Clarendon Press, 1933); see 1:xxv (1:x-a of the *Compact Edition*, 2 vols., 1972) for a list of fascicles and dates at which they were ready for publication. The Icelandic reflex of "body" is cited by Ferdinand Holthausen, *Altenglisches etymologisches Wörterbuch* (Heidelberg: Carl Winter, 1934) s.v. "bodig." See also his *Etymologisches Wörterbuch der englischen Sprache*, ed. 3 (Göttingen: Vandenhoeck & Ruprecht, 1949).

There are familiar examples of this in the Bible. St. Paul speaks of a conflict between flesh and spirit: "What the flesh desires is opposed to the spirit," and the works of the flesh are fornication, envy, carousing, and the like (Gal. 5.17.19). At one point he sees himself loving the law of God according to the interior man, but another law in his members goes against the law of his mind, and he cries out to be liberated from the body of this death (Rom. 7.22-24). I mention only in passing Paul's other uses of corporate images in which the members are active: for example, Christ is the head and we the church are his body (Eph. 1.22.23).

"Body" was as objective as it could get when it was short for "dead body," a euphemistic way of speaking of a "corpse," in our modern sense. The *OED*'s earliest citation for this meaning is ca. 1280, until the *Middle English Dictionary* found an example from ca. 1200 in *The Life of Saint Katherine*, with a second citation ca. 1300 in a Body-Soul debate. As for "corpse" itself, though it is true that we limit the meaning nowadays to a dead human or animal, it also had the meaning of living body early on. When it first appears in English, ca. 1275, according to the *MED*, in the spelling "cors," it means dead body, and the meaning of living body appears shortly after, ca. 1300 (in *Arthur and Merlin*).

Habeas Corpus

We find the body as object, then, firmly established. Let us look instead for some subjective bodily appearances. In the first place, I would like to explore how the term "corpus" was used in early legal writs, which, of course, were all in Latin, but which—likewise of course—must have reflected English usage. We are all familiar with the phrase "habeas corpus," which we usually take to refer to a specific writ issued to bring a person ("corpus") before a judge, and therefore we construe the term as a right against illegal imprisonment. But historically the words "habeas" and "corpus" (and the plural of "corpus," "corpora"), occur in many kinds of writs. My question will be, what does "corpus" mean in these royal orders, and why is "corpus" not used more often in parallel circumstances?

I will be drawing largely on the compilation titled nowadays *De legibus et consuetudinibus Angliae*, a work written mostly in the 1220s and 1230s, and added to by various hands, and later sometimes attributed to the judge Henry Bracton (1268), who may have been one of the revisers and compilers;[2] for convenience's sake, I will speak as if Bracton is the

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[2] Henry of Bracton, *De legibus et consuetudinibus Angliae*, ed. George E. Woodbine (1922), repr. and trans. Samuel E. Thorne, 4 vols. (Cambridge, MA: The Belknap Press of Harvard University Press, 1968-77). The text and translation

author. One would think that "corpus" would be used most naturally when referring to an action of arrest. In fact an early writ cited by Ralph de Diceto in 1194 speaks of arresting the body of a culprit,[3] and Bracton himself at the very end of his treatise says that in a capital case there is no attachment (presumably limiting this term to "seizure of property"), but rather the body is to be arrested.[4] But the writs cited by Bracton do not generally follow this style, or involve the laying hold of the person's body. One exception is a writ of attachment: "you are to cause Richard Roe to be attached by his body to be before the justices to respond" ("attachiari facias B per corpus suum quod sit coram justitiariis nostris responsurus").[5] Note that it is he himself (masculine) that is to respond, not his body (which would be neuter, "responsurum"). In the case of the writ *Significavit*, which Chaucer will talk about,[6] the king tells the sheriff that a bishop has reported a man who has contumaciously remained in a state of excommunication, "refusing to justice himself by ecclesiastical censure" ("nec se vult per censuram ecclesiasticam justitiare"), and therefore the sheriff is to "justice him by his body according to English custom" ("per corpus suum secundum consuetudinem Anglie justies"), that is, put him in jail, until the bishop indicates that he is ready to be absolved.[7] Bracton also refers to the punishment of imprisonment, a form of "pena corporalis," as coercion of the body ("corporis coertio"),[8] and when a man is convicted of abducting and marrying off an heir without leave of the chief lord, his

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appear in vols. 2-4 on facing pages (with the same page number for Latin and English). The work has no index, but it can be searched at: http://hlsl5.law.harvard.edu/bracton/index.htm. On the composition of Bracton, see J.H. Baker, *An Introduction to English Legal History*, ed. 4 (London: Butterworths, 2002), 176.

[3] Cited in the *Dictionary of Medieval Latin from British Sources (DMLBS)* (London: Oxford University Press, 1975-), s.v. "arrestare" 2a: "Si invenerint aliquem torneantem qui non satisfecerit, corpus suum arrestabunt et balivo domini regis liberabunt, capitali justitie transmittendum."

[4] Bracton 4:378: "non sequitur aliquod attachiamentum, sed corpus talis quicumque fuerit ille ab omnibus arrestetur qui sunt ad fidem domini regis, sive inde preceptum habuerint sive non" ("there is no attachment, but let the body of such, whoever he might be, be arrested by all who are in the allegiance of the lord king, whether they have an order to do so or not").

[5] Ibid., 2:420.

[6] Geoffrey Chaucer, *The Canterbury Tales*, "General Prologue," l. 662. See *The Riverside Chaucer*, ed. Larry D. Benson (Boston: Houghton Mifflin, 1987).

[7] Bracton 4:327.

[8] Ibid., 2:298.

body is to be delivered to prison for the delict ("corpus pro delicto tradatur prisone").[9]

The more usual style of arresting writs does not involve the body: for example, the sheriff is to capture an accused person without delay and bring him thus captive ("capias A et illum captum ducas"), or alternatively, after he is thus captured simply cause him to come ("venire facias") before the justices.[10] Normally, the only mention of bodies comes in orders to the sheriff to have the body of an accused person or the bodies of jurors in court, without any overt suggestion of physical constraint at this stage of the action. Here is an example of the first kind of way in which the sheriff is to "have bodies." The king orders the sheriff to go in his own person ("in propria persona tua accedas") to determine if a man who has pleaded sickness subsequently rose from his bed and absconded. "If he returns and is found outside the place where languor was adjudged him, then cause him to be arrested, so that you may have his body before our same justices" ("tunc facias eum arrestari, ita quod habeas corpus ejus coram prefatis justitiariis nostris"), "to reply" ("ad respondendum") "or to hear the record or judgment" ("vel ad audiendum recordum vel judicium") concerning him.[11]

That is, there is usually no force implied in the "habeas corpus" writs: the sheriff is to have the body without the "solemnity" of attachments.[12] There might seem to be more force implied in alternate ways of telling the sheriff to produce a man in court, as when "it is ordered that the sheriff make him come or have his body" ("preceptum est vicecomiti quod faciat eum venire vel quod habeat corpus ejus").[13] But both the "faciat" here and the "habeat corpus" might be better translated as "arrange" or "see to it" that he come, with any threat absent or well in the background, or as a later possibility ("or else").

In one place, Bracton gives a summary of various kinds of writs of this sort:

Item est preceptum vicecomiti:
quod faciat aliquem venire (that he cause someone to come)
vel quod attachiet [aliquem] (or that he attach someone)
vel quod habeat corpus alicujus (or that he have the body of someone)

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[9] Ibid., 2:264.
[10] Ibid., 2:430.
[11] Ibid., 4:131.
[12] Ibid., 4:90: it is ordered "quod vicecomes habeat corpus sine solemnitate attachiamentorum."
[13] Ibid., 4:82.